Remarks

1.   Summary of the Office Action

In the office action mailed May 4, 2007, the Examiner objected to various claims on grounds of informalities, the Examiner rejected claims 1, 3, 4, 7-10, 13-15, 19, 25, and 26 under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 6,078,957 (Adelman).

Further, the Examiner rejected claims 2, 6, 12, 17, 20, 22, and 24 under 35 U.S.C. § 103 as being allegedly obvious over Adelman in view of U.S. Patent No. 6,212,175 (Harsch), the Examiner rejected claims 5 and 11 under 35 U.S.C. § 103 as being allegedly obvious over Adelman in view of U.S. Patent Application Pub. No. 2004/0230661 (Rashid), the Examiner rejected claim 16 under 35 U.S.C. § 103 as being allegedly obvious over Adelman in view of RFC 2543, the Examiner rejected claim 18 under 35 U.S.C. § 103 as being allegedly obvious over Adelman in view of U.S. Patent No. 6,014,694 (Aharoni), the Examiner rejected claim 21 under 35 U.S.C. § 103 as being allegedly obvious over Adelman in view of Harsch and Rashid, and the Examiner rejected claim 23 35 U.S.C. § 103 as being allegedly obvious over Adelman in view of Harsch and Aharoni.

2.   Status of the Specification

Applicant has amended the specification to correct minor typographical errors.

3.   Status of the Claims

Applicant has amended the claims to correct the informalities noted by the Examiner, except for claim 11, which Applicant submits was correct as written and need not be changed (since the parent claim did not use the term "network load information"). Applicant thanks the Examiner for noting the informalities.

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Applicant has also amended the claims to more particularly point out and distinctly claim the invention. In particular, Applicant has amended independent claims 1, 4, 9, 14, 19, 20, 25, and 26 to recite that the load-based keepalive period (or information indicative of that period) is sent to the client station *in a response* to a keepalive message received from the client station (or in responses to keepalive messages received from at least one client station). This subject matter is supported by the specification as filed. For instance, see page 4, line 22 – page 5, line 11; and page 7, lines 2-7.

Applicant has cancelled claim 18 without prejudice.

Now pending are claims 1-17 and 19-26, of which claims 1, 4, 9, 14, 19, 20, 25 and 26 are independent and the remainder are dependent.

4. Response to Claim Rejections

a. Claims 1-17, 19, and 21-26

Of these claims, claims 1, 4, 9, 14, 19, 25, and 26 are independent and stand rejected as being anticipated by Adelman. Applicant submits that these claims, as amended, clearly distinguish over Adelman and are therefore allowable.

As noted above, Applicant has amended these claims to recite that the load-based keepalive period (or information indicative of that period) is sent to the client station *in a response* to a keepalive message received from the client station (or in responses to keepalive messages received from at least one client station). At a minimum, Adelman fails to teach sending a *response to a keepalive message* where the response to the keepalive message includes an indication of a load-based keepalive period.

In Adelman, master and client devices are each arranged to periodically send keepalive messages to each other. When a client sends a keepalive message to the master, the master uses

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a packet-sequence number of the keepalive message as a basis to determine packet loss in the network and, based on that determined packet loss, to establish a new keepalive interval. However, the master does not send the new keepalive interval in a response to the keepalive message received from the client. Rather, the master merely includes the keepalive interval in the *next periodic keepalive message* that the master itself sends to the client. Adelman does not disclose anything about that next periodic keepalive sent by the master being a response to the client's keepalive message; rather, Adelman clearly teaches that the keepalive messages sent by the master are themselves sent periodically, which is inconsistent with the idea of sending them in response to keepalive messages received from clients.

Even if we assume for sake of argument that Adelman's determination of "packet loss" is a determination of network load as in Applicant's claims (which Applicant neither addresses nor concedes), Adelman fails to anticipate claims 1, 4, 9, 14, 19, 25, and 26 at a minimum because Adelman fails to teach sending a *response to a keepalive message* where the response includes an indication of a load-based keepalive period, for use by the recipient client to determine when to send a next keepalive message. Consequently, Applicant submits that claims 1, 4, 9, 14, 19, 25, and 26 are allowable. Furthermore, without conceding the Examiner's other assertions, Applicant submits that dependent claims 2-3, 5-8, 10-13, 15-17, and 21-24 are allowable as well for at least the reason that they each depend from an allowable independent claim.

b.   Claim 20

The Examiner rejected this independent claim on grounds of alleged obviousness over Adelman in view of Harsch. However, the Examiner relied on Adelman for largely the same reasons that the Examiner relied on Adelman with respect to the other independent claims.

As discussed, Adelman fails to teach sending a *response to a keepalive message* where the response includes an indication of a load-based keepalive period, for use by the recipient client to determine when to send a next keepalive message, as recited in claim 20. Furthermore, the Examiner has not asserted that Harsch makes up for this clear deficiency of Adelman. Consequently, *prima facie* obviousness of claim 20 over Adelman in view of Harsch does not exist. Therefore, Applicant submits that claim 20 is allowable.

5.   Conclusion

For the foregoing reasons, Applicant submits that all of the pending claims are in condition for allowance, and Applicant thus respectfully requests favorable reconsideration.

Should the Examiner wish to discuss this case with the undersigned, the Examiner is welcome to call the undersigned at (312) 913-2141.

Respectfully submitted,

**MCDONNELL BOEHNEN
HULBERT & BERGHOFF LLP**

Date: August 3, 2007

By: /Lawrence H. Aaronson/ _____
Lawrence H. Aaronson
Reg. No. 35,818

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
(Docket No. 2404)

In re the Application of:)
)
    Manish Mangal et al.)
)   **Group Art Unit 2109**
Serial No.:   10/667,881)
)   **Examiner: Hari P. Kunamneni**
Filed: September 22, 2003)
)   **Confirmation No. 1159**
For: METHOD AND SYSTEM FOR)
      UPDATING NETWORK PRESENCE)
      RECORDS AT A RATE DEPENDENT)
      ON NETWORK LOAD)

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

DEPOSIT ACCOUNT AUTHORIZATION

Applicant believes that no fee is required at this time.   However, please charge any

underpayment or credit any overpayment to Deposit Account No. 210765.

Date: August 3, 2007   By: /Lawrence H. Aaronson/
                                      Lawrence H. Aaronson
                                      Reg. No. 35,818